

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

2016 OCT 27 PM 2:01  
JAMES J. J. J.  
BY: [Signature]  
Deputy Clerk

In re: ) Chapter 13  
Rama Jamoukha, )  
 ) Case No: 16-26560-JKS  
 )  
 ) Hearing Date: November 10' 2016 at  
 ) 9:00 a.m.  
Debtor. )  
 ) Judge: John K. Sherwood  
 )

MOTION IN OPPOSITION TO CREDITOR'S OBJECTION TO PLAN CONFIRMATION

I, Rama Jamoukha, (the "Debtor") certify that I am a borrower, sub-borrower and or a maker of the original wet-ink promissory note (the "Note").

Nationstar Mortgage LLC (the "Creditor") claims to hold the Note and first mortgage on Debtor's real property. The property is known as 59 Zabriskie Street, Haledon, New Jersey 07508 (the "Property"). I hereby oppose Creditor's Objection to Confirmation of the debtor's Chapter 13 plan (the "Plan") based on the following statements:

1. Debtor's proposed Plan is to satisfy all outstanding claims against the Property including Creditor's claim if any. Some of Debtor's family members and close friends have agreed to lend Debtor a private loan to satisfy total amount due to Creditor.

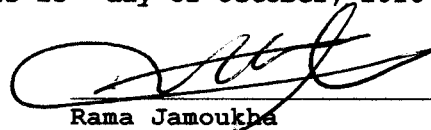
2. A payment plan cannot be proposed if and when the calculation of amount due and owing is missing, inaccurate and or incomplete. Creditor has failed to provide Debtor with Proof of Claim or Mortgage Proof of claim in this matter.

3. Debtor's intention is to payoff the Creditor what is owed and according to the law. Therefore, Debtor has requested a Payoff statement from Creditor in order to complete such Plan. See Exhibit A.
4. Creditor utilizes a third party web-based accounting system as its primary source when referring to its "books and records". Debtor has requested Creditor to identify specific loan account processing pursuant to the default and amount due on the default. Ignoring such request may be in direct violation of the Fair Debt Collection Practices Act - Title 15 U.S.C. § 1692e. This request is also pursuant to N.J.R. 1:4-8(a). Full disclosure is needed in order to conclude such claim.
5. Creditor acting as a servicing entity maybe engaging in or using false, deceptive or misleading representation in connection with its effort to collect a debt by failing to disclose this third party web-based accounting system and agency relationship.
6. The Creditor failed to provide their claim and standing on this debt. Physical possession of the promissory note has not been submitted or made admissible to the court. The assignment of mortgage does not automatically carry with it the original wet-ink promissory note. N.J.R.E 902(d) does not authenticate an official record concerning the original note obligation covenant. As of the date of this motion, the proof of the physical possession of the original wet-ink promissory note was not provided to the Debtor at any given time. Specific cancellation or discharge satisfaction of

1 the original promissory note is the essence of the release of the  
2 debt obligation.

3  
4 WHEREFORE, Debtor respectfully requests that the Court orders the  
5 Creditor to respond to Debtor's request for a legitimate and  
6 accurate statement and calculations of amount due and owing so that  
7 a proper and feasible Plan of full settlement can be successfully  
8 submitted to the court.

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12 Dated this 25<sup>th</sup> day of October, 2016

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16 Rama Jamoukha  
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2016 OCT 27 PM 2:02  
JAMES J. WALSH  
DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re: Rama Jamoukha,  
Debtor.

) Chapter 13  
)  
) Case No: 16-26560-JKS  
)  
) Hearing Date: November 10, 2016 at  
) 9:00 a.m.  
)  
) Judge: John K. Sherwood  
)

**CERTIFICATION OF SERVICE**

The Undersigned hereby certifies as follows:

I, Rama Jamoukha, state in the above captioned matter that on October 25<sup>th</sup>, 2016, I prepared and forwarded copies of this correspondence to the following parties via certified mail.

Martin Luther King, Jr. Federal Building  
Bankruptcy Court  
50 Walnut Street  
Newark, NJ 07102

Delivered by Hand

Francesca A. Arcure  
Buckley Madole, P.C.  
99 Wood Avenue South  
Suite 803  
Iselin, NJ 08830  
Attorneys for Creditor

Regular Mail

Marie-Ann Greenberg  
Chapter 13 Standing Trustee  
30 Two Bridges Road, Suite 330  
Fairfield, NJ 07004

Certified Mail # 7015 1730 0001 0642 3293

Dated: October 25th, 2016

  
Rama Jamoukha - Debtor

**Exhibit ~ A ~**

**Exhibit ~ A ~**

**October 24<sup>th</sup>, 2016**

**Declarant:** Rama Jamoukha  
57-59 Zabriskie Street  
Haledon, NJ 07508

**Respondent:** Buckley Madole, P.C.  
99 Wood Avenue South, Suite # 803  
Iselin, NJ 08830

**RE: Request for Pay-off letter and identification of web-based accounting source.**

**Property Address:** 57-59 Zabriskie Street, Haledon, New Jersey 07508

**Servicers Name:** Nationstar Mortgage LLC

**Servicers Loan Account Number:** 0598301315

**Case Number:** 16-26560-JKS

***LOAN PAY-OFF REQUEST FORM / AND REQUEST FOR IDENTIFICATION OF THE  
WEB-BASED ACCOUNTING COMPANY UTILIZED BY YOUR CLIENT***

1. I, Rama Jamoukha, certify that I am the person whose name appears below and that I am a borrower / sub-borrower/ maker of the original wet-ink promissory note on this account.
2. Account number(s): 0598301315
3. I hereby request SERVICER to release payoff information according to the request mentioned herein. Submitting a mortgage statement or a standard payoff document without providing the information specifically requested WILL NOT be considered as valid. Please follow the instructions presented in this request.

Findings can be mailed or sent to fax number: 866-260-1868.

***REQUEST FOR LOAN ACCOUNTING AND THIRD PARTY WEB-BASED ACCOUNTING  
SERVICING SYSTEMS INFORMATION***

Please be advised that it has come to my attention through a "data mining and data integrity" non-profit based in Princeton, New Jersey that Nationstar Mortgage LLC utilizes a third party web-based accounting system as its primary source when referring to its "books and business records". Please identify if one of the following companies listed below was or is involved with my specific loan account in any manner including loan account processing, records management, records retrieval, data storage or records calculations and computations. See Exhibit A.

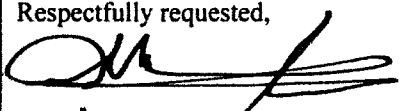
- (a) LSAMS- Software Systems
- (b) SBO 2000 – Alan King & Company, Inc.
- (c) ISGN – Loan Dynamic Loan Servicing System
- (d) BLACK KNIGHT –Loan Sphere Systems
- (e) FAIR ISAAC CORPORATION
- (f) FISERV, INC.
- (g) FORTRACS - Software Systems
- (h) LOAN SERVICING SOFT, INC.
- (I) LENSTAR – Communication and tracking software.
- (j) OTHER: \_\_\_\_\_.

**Note:** If your servicing entity fails to identify the true source of the web-based accounting system utilized in my specific loan account processing pursuant to the default and amounts due on the default, I will conclude that ignoring such request for information identifying any third party agency web-based accounting system may be in direct violation of the **Fair Debt Collection Practices Act –Title 15 U.S.C. § 1692e**. This request is also pursuant to **N.J. R. 1:4-8(a)**. Cooperation and disclosure of this vital information would conclude the full disclosure provisions of the law.

### NOTICE OF OPPORTUNITY TO CURE

In the event that Respondent's failure to respond is an oversight, mistake or otherwise unintentional, Declarant grants the Respondent five (5) business days, exclusive of the day of receipt, to serve a response to the statements, claims and inquiries in this letter / Notice. Failure to respond to this Notice will constitute, as an operation of law, an admission by the Respondent through tacit procurement that Nationstar Mortgage LLC utilizes a third party web-based accounting software company to calculate, compute and assist with its creation of books and business records as described in its certification. If such be the case, I will conclude that your servicing entity may be engaging in or using false, deceptive and or misleading representation in connection with its effort to collect a debt, by failing to disclose this third party web-based accounting system and agency relationship.

Respectfully requested,



Rama Jamoukha - Homeowner

## ***CONSTRUCTIVE NOTICE***

Buckley Madole, P.C.  
99 Wood Avenue South  
Suite # 803  
Iselin, NJ 08830

### **NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL**

Please be advised that “any false or misleading representation by Nationstar Mortgage LLC, through your firm might give rise to a liability” under the Federal Fair Debt Collection Practices Act. Under this act your firm “cannot evade its responsibilities as a debt collector by blaming your client for providing it with factually inaccurate information used in the process of collecting a debt”.

Please validate, confirm or deny if your client, utilizes its own in house proprietary accounting systems when creating and describing its “books and business records” in the certification of amounts due and owing and schedule filed with the court. In Addition, please confirm if such records are written or electronic formats from an external web-based accounting source is used.

The data-mining and data-integrity entity which I have hired to assist in the research of this web-based accounting systems matter has supplied the estate with a full body of work that suggests that your client Nationstar Mortgage LLC utilizes a “specific” web-based accounting system which is proprietorially controlled, maintained, and independent of your client’s company. This possibly being the case has provoked our need to have full disclosure from the servicer, pursuant to your accounting procedures and processes.

: Being-Duly-Sworn, deposes and say’s that she is the woman of the above named; that she has read the for-going-statements. The above -statements are true to the best of her-knowledge, and that she-personally-attached her signature to this affidavit / constructive notice. This document totals 4 pages.

Sign: \_\_\_\_\_

Affiant - Rama Jamoukha -All rights reserved

With the swear-before me this day-24<sup>th</sup> of this month- October in the year of the -2016

: \_\_\_\_\_  
: Notary





### CERTIFICATION OF SERVICE

The Undersigned hereby certifies as follows:

I, Rama Jamoukha, state in the above captioned matter that on October 24<sup>th</sup>, 2016, I prepared and forwarded copies of this correspondence to the following parties via fax, regular and certified mail.

Buckley Madole, P.C.  
99 Wood Avenue South  
Suite # 803  
Iselin, NJ 08830

Certified Mail # 7015 1730 0001 0642 3323

Nationstar Mortgage LLC.  
Attn: Payoff Department  
8950 Cypress Waters Blvd.  
Coppell, TX 75019

Fax # 214-488-4993  
Fax # 469-549-2455

Consumer Financial Protection Bureau  
P O Box 4503  
Iowa City, IA 52244


Certified Mail # 7015 1730 0001 0642 3316

New Jersey Department of Banking and Insurance  
20 West State Street  
PO Box 325  
Trenton, NJ 08625

Regular Mail

2016 OCT 27 PM 2:02  
JAMES J. GALLAGHER  
NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE

Dated: October 24<sup>th</sup>, 2016

  
Rama Jamoukha – Homeowner